

BEFORE THE PHYSICAL THERAPY LICENSURE BOARD

STATE OF IDAHO

In the Matter of the License of:

JAMES ZANE PARMER,
License No. PT-940,

Respondent.

Case No. PHT-2007-1

FINAL ORDER

This matter came before the Idaho Physical Therapy Licensure Board at a noticed meeting of the Board on March 25, 2008, pursuant to the Order Denying Motion for Reconsideration and Findings of Fact, Conclusions of Law and Recommended Order from the Hearing Officer, Kirsten Wallace. The Board conducted an independent review of the record and considered (1) all evidence presented before the Hearing Officer, (2) the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, and (3) all other matters of record, and good cause appearing therefor, the Board adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order are hereby adopted and incorporated herein by reference.
2. Respondent's conduct has violated Idaho Code Sections 54-2219(4), (7) and (10).
3. The Board views Respondent's conduct as especially egregious considering he was not only involved in sexual misconduct with an underage female patient, but he violated the Board's previous imposed Order designed to prevent such misconduct.

FINAL ORDER - 1.

4. Pursuant to Idaho Code Section 54-2220, the Board possesses the authority to impose the following disciplinary sanctions upon the Respondent:

a. Respondent's physical therapist license shall be revoked.

b. That Respondent shall pay the costs and attorney fees incurred by the State. The State shall submit an Affidavit of Costs and Attorney Fees incurred in this matter within fifteen (15) days from the date of this Order. Respondent shall submit any objection to the costs and fees submitted by the State and request a hearing within fifteen (15) days from the receipt of the State's Affidavit. Thereafter, the Board shall determine the amount of costs and fees awarded against Respondent, and in the event Respondent fails to object to the costs and fees claimed by the State, Respondent shall pay the costs and fees set forth in its Affidavit. The Respondent shall pay the costs and fees as determined by the Board, or as set forth in this section, within ninety (90) days from the date of this Order.

c. Respondent shall pay a fine in the total amount of \$2,000.00 for his violations to the Board within ninety (90) days from service of this Order.

5. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4).)

b. Pursuant to Idaho Code Section 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of

FINAL ORDER - 2.


the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

6. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 1st day of April, 2008.

IDAHO PHYSICAL THERAPY LICENSURE
BOARD

By 
Alan Crothers, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19~~th~~ day of April, 2008, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

James Zane Parmer	<input checked="" type="checkbox"/>	U.S. Mail
Idaho State Correctional Institution	<input checked="" type="checkbox"/>	Certified Mail
Unit 10	<input type="checkbox"/>	Federal Express
P.O. Box 14	<input type="checkbox"/>	Fax Transmission
Boise, ID 83707		

Darwin L. Overson	<input checked="" type="checkbox"/>	U.S. Mail
Jones & Schwartz, PLLC	<input type="checkbox"/>	Certified Mail
1673 W. Shoreline Drive, Ste. 200	<input type="checkbox"/>	Federal Express
P.O. Box 7808	<input type="checkbox"/>	Fax Transmission
Boise, ID 83707-7808		
Attorneys for Respondent		

Karl T. Klein	<input type="checkbox"/>	U.S. Mail
Deputy Attorney General	<input type="checkbox"/>	Certified Mail
Office of the Idaho Attorney General	<input checked="" type="checkbox"/>	Statehouse Mail
P.O. Box 83720	<input type="checkbox"/>	Fax Transmission
Boise, Idaho 83720-0010		


Tana Cory, Bureau Chief

M:\IBOL\Physical Therapy\Documents\4773_01 Parmer Final Order.doc

FINAL ORDER - 4.